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08/833,342 04/04/97 MAA

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EXAMINER

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PARADISO, I
ART UNIT PAPER NUMBER

3713

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/833,342

Applicant(s)

MAA

Examiner

John Paradiso

Group Art Unit

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Responsive to communication(s) filed on Sep 2, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-28 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The cancellation of claims 29-35, drawn to a data storage media instructions method, is acknowledged.
3. Claims 3-8, 10, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 line 4, the “text data” has no antecedent basis.

In claim 4 line 1, the “dictionary” has no antecedent basis.

In claim 5 line 4, the “dictionary” has no antecedent basis.

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In claim 6 line 2, the "dictionary" has no antecedent basis.

In claim 7 line 2, the "dictionary" has no antecedent basis.

In claim 8 line 3, the "text data" has no antecedent basis.

In claim 10 line 4, the "text data" has no antecedent basis.

In claim 21 line 4, the "text data" has no antecedent basis.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 9, 12-14, 20-25, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over TONG.

TONG discloses an interactive, computer-controlled doll, as described in the previous Office Action. TONG discloses providing a signal from the computer to the doll, which in turn moves the appropriate parts of the doll (mouth, arms, etc.) depending on whether the signal is present or not. Note that while the information within the signal is analog data, the dolls actuators respond to the presence or lack of the signal, taking not the audio data within, but the presence of the signal itself as a logic signal.

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TONG also discloses (in embodiment in Fig. 6) a voice-recognition feature where the user can speak into a microphone and the computer will recognize the words and provide the appropriate signal(s) to the doll.

(See TONG columns 2-4 and figures 1 and 6.)

TONG does not specifically disclose "storing an array of data representing said logic-control signals ... correlated to said spoke words" or the dimensions of such an array.

However, Applicant is given Official Notice that the use of arrays to store and coordinate data is a basic programming technique and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an array of memory variables to store inputted data, the results of the inputted data, and programmed responses to that data.

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5. Claims 3-8, 10, 15-19, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over TONG, as applied to claims 1, 9, 14, and 25 above, and further in view of GASPER ET AL.

TONG substantially discloses the claimed invention except for the specifically describing the generation of a text file or sound dictionary file in response to inputted voice data.

GASPER ET AL discloses a system for sound-synchronized animation for use in a game, as described in the previous Office Action. GASPER ET AL builds and saves its own dictionary file after determining the proper lip synchronization of an inputted word. GASPER ET AL also teaches different articulations for various sounds: silence, vowels, and consonants.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of sound analysis used in GASPER ET AL in the invention of TONG in order to efficiently and accurately analyze and coordinate the inputted user sounds with the movement signals sent to the doll of TONG. Examiner also notes that TONG does disclose the use of voice-recognition software to analyze inputted voice data. Examiner also notes that it is a standard programming technique to store inputted data of all types, including voice recognition data, in

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memory arrays for temporary use and in text files for permanent storage and later retrieval.

Regarding claims 15, 16, 26, and 27, Applicant is given Official Notice that the use of solenoids as actuators for the movement of dolls and figures is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect two-phase solenoids as the actuators in the invention of TONG in order to reduce the complexity and cost of the actuators and the invention.

Response to Arguments

6. Applicant's arguments filed September 2, 1998 have been fully considered but they are not persuasive.

7. Applicant states on page 9 of his Response that "Tong fails to disclose the use of a computer to generate a logic-control signal to actuate a toy figure, as recited in claim 1. Tong only employs an analog signal...".

However, as explained above, TONG discloses providing a signal from the computer to the doll, which in turn moves the appropriate parts of the doll (mouth,

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arms, etc.) depending on whether the signal is present or not and while the information within the signal is analog data, the dolls actuators respond to the presence or lack of the signal, taking not the audio data within, but the presence of the signal itself as a logic signal.

8. Applicant states on page 9 of his Response that "Tong fails to disclose a memory for storing data representing the logic-control signals and correlated to the spoken words."

However, as explained above, GASPER ET AL discloses building and saving its own dictionary file after determining the proper lip synchronization of an inputted word and also teaches different articulations for various sounds: silence, vowels, and consonants and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of sound analysis used in GASPER ET AL in the invention of TONG in order to efficiently and accurately analyze and coordinate the inputted user sounds with the movement signals sent to the doll of TONG. Examiner also noted that TONG does disclose the use of voice-recognition software to analyze inputted voice data and it is also a standard programming technique to store inputted data of all types, including voice recognition data, in

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memory arrays for temporary use and in text files for permanent storage and later retrieval.

9. Applicant states on page 11 of his Response that "Nevertheless, applicant traverses any suggestion that increasing the array dimension would be obvious."

However, as noted above, it is a standard programming technique to store inputted data of all types, including voice recognition data, in memory arrays for temporary use and in text files for permanent storage and later retrieval and to dimension the array to fit the number of related variables.

10. Applicant states on page 12 of his Response that "neither reference [TONG or GASPER ET AL] provides any suggestion or motivation to combine the references. The Examiner has recognized that 'Gasper does not teach employing this system in a physical doll.' (Office Action; Section 12). Nevertheless, the Examiner states that it would have been obvious to use Gasper's teachings to 'capture a child's attention longer.' As this is one of Applicant's stated objectives, and as the Examiner has failed to provide a citation to prior art in support of this stated motivation, it is respectfully

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submitted that the Examiner's combination of Tong and Gasper to support the rejection appears to be based on impermissible hindsight."

However, as explained in the rejection above, TONG substantially discloses the claimed invention except for the specifically describing the generation of a text file or sound dictionary file in response to inputted voice data. GASPER ET AL discloses a system for sound-synchronized animation for use in a game, including building and saving its own dictionary file after determining the proper lip synchronization of an inputted word and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of sound analysis used in GASPER ET AL in the invention of TONG in order to efficiently and accurately analyze and coordinate the inputted user sounds with the movement signals sent to the doll of TONG.

11. Applicant states on page 13 of his Response that "Tong does not disclose an 'actuator ...having only two phases."

However, as explained in the rejection above, Applicant has been given Official Notice that the use of solenoids (which are inherently two-phase actuators) as actuators for the movement of dolls and figures is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect

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two-phase solenoids as the actuators in the invention of TONG in order to reduce the complexity and cost of the actuators and the invention.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to:



Examiner John Paradiso
Telephone: (703) 308-2825
Fax: (703) 305-3579/3580



Jessica J. Harrison
Supervisory Patent Examiner
Group 3700

November 6, 1998